

PILLSBURY WINTHROP SHAW PITTMAN LLP  
BRUCE A. ERICSON #76342  
DAVID L. ANDERSON #149604  
JACOB R. SORENSEN #209134  
MARC H. AXELBAUM #209855  
BRIAN J. WONG #226940  
50 Fremont Street  
Post Office Box 7880  
San Francisco, CA 94120-7880  
Telephone: (415) 983-1000  
Facsimile: (415) 983-1200  
Email: [bruce.ericson@pillsburylaw.com](mailto:bruce.ericson@pillsburylaw.com)

SIDLEY AUSTIN LLP  
DAVID W. CARPENTER (admitted *pro hac vice*)  
BRADFORD A. BERENSON (admitted *pro hac vice*)  
DAVID L. LAWSON (admitted *pro hac vice*)  
EDWARD R. McNICHOLAS (admitted *pro hac vice*)  
1501 K Street, N.W.  
Washington, D.C. 20005  
Telephone: (202) 736-8010  
Facsimile: (202) 736-8711  
  
Attorneys for Defendants  
AT&T CORP. and AT&T INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

TASH HEPTING, GREGORY HICKS,  
CAROLYN JEWEL and ERIK KNUTZEN  
on Behalf of Themselves and All Others  
Similarly Situated,

Plaintiffs,

vs.

AT&T CORP., AT&T INC. and DOES 1-20,  
inclusive,

Defendants.

No. C-06-0672-VRW

**[PROPOSED] ORDER GRANTING  
AT&T CORP.'S MOTION TO  
DISMISS PLAINTIFFS' AMENDED  
COMPLAINT**

Courtroom: 6, 17th Floor  
Judge: Hon. Vaughn R. Walker

1 On April 28, 2006, defendant AT&T Corp. moved pursuant to Rules 12(b)(1) and  
2 12(b)(6) of the Federal Rules of Civil Procedure to dismiss plaintiffs' Amended Complaint  
3 for Damages, Declaratory and Injunctive Relief, Dkt. 8 (the "Amended Complaint" or  
4 "FAC") for lack of subject matter jurisdiction and for failure to state a claim upon which  
5 relief can be granted. Defendant AT&T Inc. joined in this motion.

6 On June 8, 2006, this motion duly came on for hearing before the Court, Hon.  
7 Vaughn R. Walker, United States District Chief Judge, presiding. Having considered  
8 defendants' motion, defendants' request for judicial notice, plaintiffs' opposition thereto,  
9 defendants' reply and the oral arguments presented by counsel for the parties, and good  
10 cause appearing,

11 IT IS HEREBY ORDERED that:

12 1. Defendants' request for judicial notice is hereby GRANTED.

13 2. Defendants' motion to dismiss is hereby GRANTED on the grounds that  
14 Defendants enjoy immunity from plaintiffs' claims and Plaintiffs lack standing to pursue  
15 their claims.

16 3. The Amended Complaint for Damages, Declaratory and Injunctive Relief,  
17 filed by plaintiffs Tash Hepting, Gregory Hicks, Carolyn Jewel and Erik Knutzen on  
18 February 22, 2006 (Dkt. 8), is hereby DISMISSED as to defendants AT&T Corp. and  
19 AT&T Inc. with prejudice and without leave to amend.

20  
21 Dated: \_\_\_\_\_

\_\_\_\_\_  
Hon. Vaughn R. Walker  
United States District Chief Judge